

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION**

Douglas Angeli and Gwendolyn Angeli,

Plaintiffs,

vs.

Allstate Indemnity Company,

Defendant.

C/A#:

**NOTICE OF REMOVAL**

Defendant Allstate Indemnity Company, pursuant to 28 U.S.C. § 1446, hereby files its Notice of Removal of the above-captioned case from the Court of Common Pleas for Spartanburg County, South Carolina, to the United States District Court for the District of South Carolina, Spartanburg Division. The grounds for the removal are as follows:

1. A civil action is now pending in the Court of Common Pleas for Spartanburg County, South Carolina, bearing the case name as captioned above with Docket No. 2017-CP-42-03374, filed on September 20, 2017.

2. Defendant Allstate Indemnity Company was served with a copy of the Second Amended Summons and Second Amended Complaint in this action on February 20, 2018, through the South Carolina Department of Insurance. Defendant Allstate Indemnity Company has not filed a response in the Court of Common Pleas for Spartanburg County, South Carolina. A copy of all state court papers, excluding other discovery matters, are attached as Exhibit A.

3. Upon information and belief, Plaintiffs were, at the time of the commencement of this action, and still are residents and citizens of the State of South Carolina, as alleged in their Second Amended Complaint.

4. At the time of the commencement of this action, and at this time, Defendant was and is a corporation organized and existing under the laws of the State of Illinois, having its principal place of business in Northbrook, Illinois.

5. This action is one of a civil nature, seeking money damages for alleged breach of contract and bad faith.

6. Plaintiffs contend that the amount in controversy, exclusive of interests and costs, exceeds the sum of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars, and, therefore, meets the amount in controversy requirement for diversity jurisdiction.

7. Defendant desires to remove this action to this Court and, therefore, files this Notice along with attachments pursuant to 28 U.S.C. § 1441, *et seq.*, and this Court has jurisdiction pursuant to 28 U.S.C. § 1332.

8. Defendant removes this action within thirty (30) days from the date of receipt of the Second Amended Summons and Second Amended Complaint.

9. Defendant Allstate Indemnity Company removes this matter pursuant to 28 U.S.C. § 1332 because the action brought by Plaintiffs against Defendants is a suit of a civil nature, the character of which the District Courts of the United States are given original diversity jurisdiction under 28 U.S.C. § 1332, and is one that may be removed to this Court by Defendants pursuant to 28 U.S.C. §1441.

10. Written notice of the filing of this Notice of Removal has been served upon the attorney for Plaintiffs by mail on this date, together with a copy of the Notice of Removal and supporting papers, and has been electronically filed with the Clerk of Spartanburg County Court of Common Pleas, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Allstate Indemnity Company prays that the above-entitled case be removed to the United States District Court for the District of South Carolina, Spartanburg Division, pursuant to 28 U.S.C. §1441 *et seq.* If any question should arise regarding the propriety of the removal of this action, Defendant Allstate Indemnity Company respectfully requests the opportunity to brief fully the legal issues through supporting memoranda, as well as oral argument, in support of its position that the case is removable, as well as conduct discovery on the subject matter, if necessary.

**GALLIVAN, WHITE & BOYD, P.A.**

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March 22, 2018